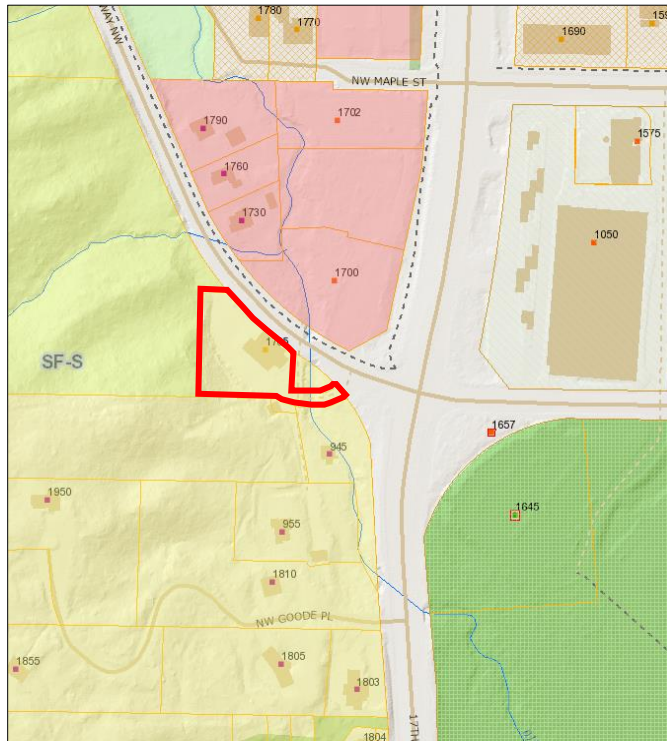


Redesignation/Rezone Request: Parcel 2924069075

Legacy Landscaping



REQUEST

The property owner is requesting a rezone from Single Family-Suburban to Commercial or Mixed Use.

The existing use is considered a legal-nonconforming use meaning the use lawfully occupied land at the time of permitting, but by reason of amendments to the Code, no longer conforms to the regulations of the zone in which the use is located. A legal-nonconforming use may not expand in a way that would bring the property into further nonconformance such as increased impervious surface or additional vehicle trips.

The property owner is requesting the proposed rezone to bring the existing commercial use into compliance and to see what else may potentially be permitted on this property.

HISTORY

A gas station was initially permitted on this property in 1977 through a Property Use Agreement (PUA). The PUA was amended in 1978 to allow for a landscaping business. In 1994,

the City adopted a new Land Use Code and zoned the property Retail. Then, in 1995, the City adopted a Comprehensive Plan, in accordance with the Growth Management Act, redesignating the property Single Family Suburban, which eliminated the Retail zoning and the PUA. This brought the current property use of a landscape business to its current status as a legal non-conforming use.

In 2002, the previous property owner requested a rezone from Single Family – Suburban to Retail. The Administration recommended denial based primarily on the fact that the Retail zone would not be compliant with the Comprehensive Plan.

EXISTING CONDITIONS

Parcel No: 2924069075
Location: 1705 Newport Way NW, on the southwest corner of Newport Way NW and SR 900
Size: .86 acres
Use: Landscape Contractor/Seasonal Sales

	Existing	Requested
Land Use Designation	Low Density Residential	Commercial or Mixed Use
Zoning Designation	Single Family – Suburban	Commercial or Mixed Use

Surrounding Land Uses

Area	Zoning	Use(s)
Site	Single Family - Suburban	This property is the location for Legacy Landscaping. Except for on-site, seasonal Christmas tree sales, the business primarily provides off-site residential and commercial landscape services. Prior to a landscaping company, according to the property owner, the property was used as a commercial gas station and a restaurant.
North/Northeast	Urban Core / Community Facilities – Facilities.	Vacant and businesses located within converted single-family houses. The Sound Transit Transit Center is located on the northeast corner of Newport Way NW and SR 900.
South	Single Family – Suburban	One large parcel is vacant. Two smaller properties are occupied by single family houses.
East	Single Family – Suburban / Community Facilities - Recreation	The property directly to the east is a single family house. Across SR 900, located on the southeast corner of Newport Way NW and SR 900, is Tibbetts Valley Park.
West	Single Family - Suburban	Bergsma property recently acquired by the City to be used for permanent open space

STANDARDS AND USES UNDER EXISTING AND PROPOSED ZONING

Should this site be rezoned to allow for commercial or mixed uses, the most likely candidates are Mixed Use and Urban Core. Although this site is adjacent to Urban Core zoning, the preferred zone is Mixed Use. Mixed use allows less impervious surface and lower heights than Urban Core and would provide a buffer between the Urban Core and adjacent Single Family – Suburban uses.

IMC 18.07.360 District Standards Table – EXISTING SINGLE FAMILY – SUBURBAN ZONING

ZONING DISTRICTS	STANDARDS									
	DU/acre or density (maximum)	Minimum Lot Size	Front Setback ^{2, 3}	Side Setback ^{2, 3}	Rear Setback ^{2, 3, 12}	Impervious Surface ⁴	Pervious Surface ⁴	Base Building Height	Max. Building Height ¹⁰	Min. Lot Width ⁵
SF-S: Single Family – Suburban	4.5 du/acre	9,600 sq ft	20 ft	8 ft	10 ft	40 %	60 % ⁶	30 ft	Not applicable	70 ft

IMC 18.07.360 District Standards Table – PROPOSED MIXED USE ZONING

ZONING DISTRICTS	STANDARDS									
	DU/acre or density (maximum)	Minimum Lot Size	Front Setback ^{2, 3}	Side Setback ^{2, 3}	Rear Setback ^{2, 3, 12}	Impervious Surface ⁴	Pervious Surface ⁴	Base Building Height	Max. Building Height ¹⁰	Min. Lot Width ⁵

MU: Mixed Use	Density limited by the impervious surface ratio, height, setbacks, etc.		10 ft	0	0	90%	10%	48 ft ¹⁶	65 ft ¹⁰	
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Mixed Use Permitted Uses (excluding accessory uses):

- Botanical Gardens, Greenhouses
- Kennel/Commercial Boarding
- Single and Multifamily Housing, Adult Family Home
- Funeral Home/Mortuary/Memorial Chapel
- Government Facilities
- Public/Quasi Public such as Churches, Banquet Halls, Transit Station, Museums and Libraries
- Schools
- Utilities
- Outdoor Recreation such as Baseball or Soccer Fields, Neighborhood Parks, Stadium/Arena, Swimming Pool
- Retail and Service
- Recreation other: Amusement Parlors, Billiards Hall, Bowling Alley, Golf Driving Range, Fitness Club, Karate/Dance/Yoga/Pilates Studio/Indoor Shooting Range/Theaters
- Automotive Insurance, Maintenance, Service, Service Station, Rentals, Sales, Repair, and Parking Lot/Garage
- Food and Beverage
- Hotels and Lodging
- Industrial/Intensive Commercial: Contractor/Trade Office, Distribution Center, Light Manufacturing, Feed Store, Bottling Plant, Research and Development, Self-Storage
- Medical
- Office/Professional Financial

Table 4.4A District Standards Summary Table ¹												
Zoning Districts	Floor Area Ratio (FAR)						Height ⁴		Setbacks ⁵		Build-To-Line ⁶ (Maximum Setback)	Maximum ⁷ Impervious Surface
	Min ²		Base ³		Max							
	Residential	Commercial	Residential	Commercial	Residential	Commercial	Base	Max ⁸	Side	Rear		
Urban Core ⁹	.75	.55	3.0	1.25	5.0	5.0	60'	125'	0'	0'	0' - 10' ⁵	95%

Urban Core Permitted Uses (excluding accessory uses):

- Botanical Gardens
- Multifamily Housing
- Public/Quasi Public such as Churches, Banquet Halls, Transit Station, Museums and Libraries
- Essential Public Facilities
- Schools
- Utilities
- Outdoor Recreation such as Baseball or Soccer Fields, Neighborhood Parks, Stadium/Arena, Swimming Pool
- Automotive
- Food and Beverage
- Hotels and Lodging
- Industrial/Intensive Commercial
- Medical
- Office/Professional Financial
- Retail and Service

APPROVAL CRITERIA

Land Use Code 18.04.632.D.3

In accordance with 18.04.632.D.3, a rezone request shall be granted only if all the following approval criteria are met.

	Criteria	Compliance
1.	Complete Application: The applicant has submitted, and the Permit Center has deemed the application complete; and	Yes.
2.	Health, Safety and Welfare: The rezone bears a substantial relation to the public health, safety, welfare or other community benefit; and	Because the existing use is non-conforming and cannot expand, the rezone would not immediately affect health, safety, welfare. Should the rezone allow for property redevelopment, any redevelopment would need to meet all City standards which could result in improvements to health, safety, and welfare primarily as it relates to vehicular access onto Newport and pedestrian and bicycle safety.
3.	Growth Controls: If the requested rezone results in increased housing unit density, the additional density shall only be allowed if the Growth Management Act housing growth targets have not been met, unless the City Council approves a Development Agreement as part of the rezone proposal; and	The existing property is zoned for residential. Issaquah is expected to meet its housing targets by 2021 with projects currently in the pipeline. However, targets are scheduled to be negotiated again in 2021 and Housing Target numbers will likely increase. It is anticipated that most growth will occur in Central Issaquah.
4.	Changed Circumstances or Reasonable Development: The rezone is warranted because of changed circumstances including the need for additional property in the proposed land use zoning district, or because the proposed zoning district is appropriate for reasonable development of the subject property; and	The current use is legally non-conforming. The requested zoning would bring the property into compliance.
5.	Zoning Conformance: The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district; and	Yes.
6.	No Detriment to Adjacent Property: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property(s); and	If approved, an Urban Core or Mixed Use designation would allow for more uses than currently allowed on the property. However, given the physical distance between this property and adjacent properties, any redevelopment likely would not be materially detrimental to the adjacent properties.
7.	Consistent with Comprehensive Plan: The rezone request is consistent with the Comprehensive Plan, or is in the concurrent	The current Comprehensive Plan Land Use Designation is Low Density Residential. This designation is not consistent with the requested zoning of commercial or mixed use and would need to be amended to the Mixed Use Land

	Criteria	Compliance
	process of a Comprehensive Plan redesignation application; and	Use Designation should the requested rezone be approved.
8.	Consistency with City Regulations: The rezone request complies with all other applicable City rules and regulations; and	The existing use is operating as a legal, non-conforming use meaning that the use was allowed and permitted under prior zoning but is not allowed under the current zoning. The use may continue but may not expand in any way that would increase the nonconformity such as increased impervious and increased height.
9.	Public Facilities and Services: Adequate public facilities and services are available, or would be made available, to serve the development allowed by the proposed zone; and	Adequate public facilities are available for the existing use. The site is currently served by water but not sewer. Adequate services would be required to be made available should the site be redeveloped.
10.	Environmental Impacts: a. The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated taking into account all applicable regulations; or b. The probable unmitigated impacts of the types of development allowed by the proposed zone are acceptable.	Approximately 1/3 of the property is encumbered by steep slopes located on the southwest portion of the site. A 100' stream buffer also applies to the property because of the adjacent Tibbetts Creek. Any unmitigable impacts would be identified if redevelopment is proposed on the property.

Comprehensive Plan

The following Comprehensive Plan policies must be considered.

LU Policy A5 Maintain the forested character of older developed hillsides such as Squak Mountain, Cougar Mountain (not including Talus) Tiger Mountain and the Plateau (such as Overdale Park) by requiring that new and infill development should be made compatible through: limited clearing/grading provisions; protection and preservation of existing tree canopy; limiting size of development and number of buildings within clusters; limiting lot size and height provisions; and providing links to sidewalks and bike paths since a vehicular grid may be difficult in hillside development. For those hillside neighborhoods that have recently undergone dense urban development, such as Issaquah Highlands, Talus and Lakeside, protect and preserve the remaining forested hillsides and restore the area over time so that it once (Ord 2894 effective date: 12/25/2019) again attains the forested character so valued by the community. Restoration adds to habitat, erosion protection and offsetting the urban heat island effects and can include tree plantings in parks, critical area buffers, and other locations where appropriate.

LU Policy C2 Focus future growth in:

- a. areas with no or minimal environmentally critical areas;
- b. vacant platted lots in areas with existing public facilities;
- c. areas where infill and redevelopment can occur with less environmental impacts due to the degree of existing development; and
- d. areas where clustering development can protect environmentally critical lands and preserve and protect remaining forested hillsides.

H Policy A1 Provide for and maintain the distinct characteristics and scale of existing traditional, suburban, and mixed use neighborhoods including the Urban Villages. Ensure neighborhood compatibility of infill development and redevelopment, and encourage:

- a. Preservation of the density and building scale in older plats of the City, including but not limited to those in Olde Town, Overdale, Squak Mountain, South Cove and Sycamore;
- b. Rehabilitation, relocation, or reuse, rather than demolition, of existing, structurally sound housing;
- c. Private property maintenance; and
- d. Redevelopment that is compatible with adjacent neighborhoods and provides amenities that create a sense of place for the area.

PROS AND CONS OF REDESIGNATION/REZONE

PROS	CONS
<ul style="list-style-type: none">• Rezoning the property brings the existing use into conformance with the zoning.• Rezoning the property owner allows expansion of the existing use and a larger variety of permitted uses.• If the use is in conformance with the zoning, the property is easier to sell.	<ul style="list-style-type: none">• Not rezoning means the existing use remains legally nonconforming and cannot be expanded.• The property remains legally nonconforming and is difficult to sell.

ADMINISTRATION RECOMMENDATION

This site is adjacent to permanent open and recreational space. The properties to the south, west and east are low density residential developments. However, the properties to the north are zoned Urban Core which allow for higher densities. Because of the on-site critical areas, this site would not be able to develop to maximum densities allowed in Mixed Use.

It is sound practice to remove nonconforming uses. Therefore, for this reason and those reasons noted above, the Administration recommends approval of the redesignation and rezone of parcel 2924069075 from the Low Density Residential land use designation to the Mixed Use Designation and from the Single Family – Suburban to Mixed Use zoning designation.

Attachment: Legacy Landscaping Application for Redesignation and Rezone

REDESIGNATION / REZONE APPLICATION



CITY OF
ISSAQUAH
DEVELOPMENT SERVICES

1775 - 12th Ave. NW | P.O. Box 1307
Issaquah, WA 98027
425-837-3100
issaquahwa.gov

This Section For Staff Use Only

Project Number: _____
Staff Contact: _____

Date Received: _____

PROJECT INFORMATION

Project Site Address: 1705 Newport Way NW Issaquah, WA.
Neighborhood: _____

(You may attach a map showing the location of the parcel if neighborhood is not known.)

Parcel Number(s): 2924009075
Existing Zoning: SF-S
Proposed Zoning: Commercial and or mixed use

If the request is Community Facilities redesignation/rezone, please describe how your request meets the purpose and objective for that Community Facilities zone as described in IMC 18.06.090
Community Facilities - CF.

Proposed Use on this site(s) (State "None" if no use proposed.) Commercial and or mixed use

OWNER

Name: Legacy Land Resources LLC
Address: 1705 Newport Way NW Issaquah, WA. 98027
Phone: (206) 571-8855 Email: legacylandscaping@comcast.net

APPLICANT

Name: Chris Holecch (President)
Address: P.O. Box 29 Maple Valley, WA. 98038
Phone: (206) 571-8855 Email: legacylandscaping@comcast.net

CONTACT

Name: Chris Holecch
Address: _____
Phone: (206) 571-8855 Email: _____

APPROVAL CRITERIA

Describe how your proposal meets each of the Approval Criteria. The proposal must meet each criteria to be approved by the City.

1. Growth Controls: Does the requested rezone results in increased housing unit density? (Additional density shall only be allowed if the Growth Management Act housing growth targets have not been met, unless the City Council approves a Development Agreement as part of the rezone proposal); and	Possible, request is for commercial status. Previous use of property historically was commercial gas station and restaurant. Current use is commercial services
2. Changed Circumstances or Reasonable Development: Is the rezone warranted because of changed circumstances including the need for additional property in the proposed land use zoning district, or because the proposed zoning district is appropriate for reasonable development of the subject property; and	Circumstances are that this current use is commercial and all surrounding property uses are commercial. Rezone is to categorize use as it has historically been known
3. Zoning Conformance: Is the subject property suitable for development in general conformance with zoning standards under the proposed zoning district; and	Current zoning would allow for additional residential density
4. No Detriment to Adjacent Property: Would the rezone be materially detrimental to uses or property in the immediate vicinity of the subject property(s); and	No, Basically a corner parcel that would not effect adjacent property owners in the immediate vicinity. Stand along property
5. Consistent with Comprehensive Plan: Is the rezone request consistent with the Comprehensive Plan, or is it in the concurrent process of a Comprehensive Plan redesignation application; and	The previous rezone did not include my business because they said it was on the wrong side of the street but in fact the old historical newport way runs through my property which puts it with the rezoned area
6. Consistency with City Regulations: Does the rezone request comply with all other applicable City rules and regulations; and	In discussion with the city, I am in current compliance with City Rules + regulations
7. Public Facilities and Services: Are	

APPROVAL CRITERIA

Describe how your proposal meets each of the Approval Criteria. The proposal must meet each criteria to be approved by the City.

adequate public facilities and services available, or would they be made available, to serve the development allowed by the proposed zone; and	If necessary public facilities and services could be made available
8. Environmental Impacts: a. Can the probable adverse environmental impacts of the types of development allowed by the proposed zone be mitigated taking into account all applicable regulations; or b. Are the probable unmitigated impacts of the types of development allowed by the proposed zone acceptable.	Yes, we would be able to meet any environmental impacts
9. Health, Safety and Welfare: Does the rezone bear a substantial relation to the public health, safety, welfare or other community benefit; and	yes, county and city owned properties are on all sides of me

I certify (or declare) under penalty of perjury under the laws of the State of Washington that all application information, is true and complete to the best of my knowledge. I understand the lead agency is relying on them to make its decision.

Signature:



Date:

1/31/2020